

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 || HECTOR ARMANDO RODRIGUEZ,

Petitioner,

No. C 06-7462 PJH (PR)

9 | vs.

ORDER OF DISMISSAL

10 DERRAL ADAMAS, Warden,

Respondent.

13 This is a habeas case filed pro se by a state prisoner. Respondent's motion to
14 dismiss the petition as mixed was granted and petitioner was ordered to elect among the
15 three choices available to petitioners whose petition is mixed. He was warned that if he did
16 not make the election within thirty days the case would be dismissed. The order was
17 entered on February 5, 2008.

18 Petitioner has not responded to that order, but on May 5, 2005, he filed a notice of
19 change of address. In it he also asks for copies of any orders entered in the month of April,
20 of which there were none.

21 The notice of change of address was filed so long after the court's February order
22 that it is unlikely that petitioner failed to receive that order because of his move, and his
23 reference to documents filed in April obviously does not imply that he did not receive the
24 February order. Presumably petitioner filed the notice of change of address simply wants
25 to be sure he receives the order of dismissal, perhaps with an eye to appealing. If this is
26 not true, he should move to reconsider this dismissal, and in the motion make the required
27 election and explain why he did not respond within thirty days.

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1 Because the petition is mixed, this case is **DISMISSED**. The clerk shall close the
2 file.

3 **IT IS SO ORDERED.**

4 Dated: May 16, 2008.

PHYLLIS J. HAMILTON
United States District Judge